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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 DAVID ENGELSTEIN,

9 Plaintiff,

10 v.

11 UNITED STATES DEPARTMENT
12 OF AGRICULTURE; UNITED
13 STATES FOREST SERVICE;
14 UNITED STATES DEPARTMENT
15 OF HIGHWAYS; UNITED STATES
16 DEPARTMENT OF
17 TRANSPORTATION; UNITED
18 STATES FEDERAL HIGHWAY
19 ADMINISTRATION; WESTERN
20 FEDERAL LANDS HIGHWAY
21 DIVISION; and DOES I-X,

22 Defendants.

23 DAVID ENGELSTEIN,

Plaintiff,

v.

THE STATE OF WASHINGTON;
KING COUNTY; and DOES 1-XV
Defendants.

C20-916 TSZ

MINUTE ORDER

1 The following Minute Order is made by direction of the Court, the Honorable
2 Thomas S. Zilly, United States District Judge:

3 (1) Plaintiff's Motion to Amend First to Second Amended Complaint, docket
4 no. 47, is GRANTED. Plaintiff shall electronically file his second amended complaint in
the same form as attached to his motion, see docket no. 47-1, within five (5) days from
the date of this Minute Order.

5 (2) The Court will construe the Motion to Dismiss, docket no. 39, filed by
6 Defendant Old Castle Infrastructure ("Old Castle") as a motion to dismiss the new second
7 amended complaint. If necessary, Old Castle may file a supplemental brief related to the
8 second amended complaint, not to exceed five (5) pages, by September 9, 2021. If
9 necessary, Consol Defendant King County may file any supplemental brief to the motion
to dismiss, not to exceed five (5) pages, by September 17, 2021. Plaintiff David
Engelstein shall file any supplemental responses by September 17, 2021. Any
supplemental reply shall be filed by September 24, 2021. The motion to dismiss is
RENOTED to September 24, 2021.

10 (3) The Court will construe the Motion for Summary Judgment, docket no. 54,
11 filed by Defendant Active Construction Inc. ("Active Construction") as a motion for
12 summary judgment related to the second amended complaint. If necessary, Active
13 Construction may file a supplemental brief related to the second amended complaint, not
to exceed five (5) pages, by September 5, 2021. The motion for summary judgment is
RENOTED to September 24, 2021. Any response to the motion for summary judgment
shall be filed by September 20, 2021. Any reply shall be filed by the new noting date.

14 (4) The Clerk is directed to send a copy of this Minute Order to all counsel of
record.

15 Dated this 27th day of August, 2021.

16 Ravi Subramanian
17 Clerk

18 s/Gail Glass
19 Deputy Clerk